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Group Art Unit: 1744

REMARKS

Claims 1-18 were in the application as filed. In this Amendment, claims 8-11 and 15-18 have been amended by adding structural limitations to overcome the objection relating to improper dependent form. Claims 2-11 and 13-18 have been amended in response to rejections under 35 U.S.C. §112, ¶2.

The Examiner has indicated the allowability of claims 7 and 14 if rewritten to overcome rejections under 35 U.S.C. §112, ¶2, and to include all of the limitations of the base claim and any intervening claims. Applicants appreciate the Examiner's early notification of allowable subject matter.

The drawings have been amended in response to objections based on the inclusion of reference characters not mentioned in the description. The grounds for the Examiner's objection relative to Figures 1, 2 and 4 have been removed by removing reference characters 28, 70, 76, 106, 132, and 176 in Figure 1, reference characters 28, 50, 54, 58, 112, and 138 in Figure 2, and 54, 102, 106, and 108 in Figure 4. Applicants submit that the amended drawings remove all grounds for the Examiner's objections to the drawings, and that the drawings are now in condition for acceptance. Applicants request acceptance of the drawings as amended.

The specification has been amended in response to objections to the disclosure by amending paragraph [0021]. Applicants believe that the title of the specification as filed contains a correct spelling of the word "vacuum," and thus no amendment to the title has been made. The amendments made herein add no new matter. Reconsideration and reexamination of the application is respectfully requested in view of the amendments and the following remarks.

Rejections under 35 U.S.C. §112, ¶2

Claims 2-11 and 13-18 stand rejected under 35 U.S.C. §112, ¶2. The rejection is respectfully traversed.

Applicants assert that claims 2-11 and 13-18, as filed, are not indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regarded as the invention. Nevertheless, claims 2-11 and 13-18 have been amended, consistent with the Examiner's suggestions, as follows:

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Claims 2-11 and 13-18 have been amended to replace the term "A" with the term "The."

Claim 7 has been amended to replace the phrase "and further comprising a cutting blade" with the phrase "wherein the at least two cutting blades are." Claim 14 has been amended to replace the term "a" with the phrase "at least one additional" and to add the phrase "wherein the at least two cutting blades are."

Claim 8 as originally filed reads "A vacuum cleaner according to claim 1 wherein the vacuum cleaner is an upright vacuum cleaner." Thus, Applicants are unable to understand the Examiner's rejection on the grounds that claim 8 reads, in part, "the vacuum cleaner is an vacuum cleaner." Applicants submit that claim 8 as filed is not indefinite under 35 U.S.C. §112, ¶2. The grounds for the rejection of claims 2-11 and 13-18 under 35 U.S.C. §112, ¶2 have been removed, and thus claims 2-11 and 13-18 are in condition for immediate allowance. Applicants request that the rejection be withdrawn and that claims 2-11 and 13-18 be allowed.

Rejections under 35 U.S.C. §102(b)

Claims 1-5, 8, and 12-13 stand rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 2,733,000 to Sparklin. The rejection is respectfully traversed. The claimed invention is not anticipated under §102 unless each and every element of the claimed invention is found in the prior art. *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 231 USPQ 81, 90 (Fed. Cir. 1986).

Sparklin '000 discloses a vacuum cleaner 10 comprising a rotating brush 29 at a front portion of the vacuum cleaner 10 adjacent a suction nozzle 20, and a circular fan impeller 16 enclosed within an interior casing 13 and rotating about a horizontal shaft 25. The casing 13 is fluidly connected through an entrance opening 19 to an exhaust passage 18 fluidly connected to a dust bag. A fixed cutter blade 22 is attached to the casing 13 adjacent the entrance opening 19. A rotating cutter blade 24 is attached to the fan impeller 16 in cooperative registry with the fixed cutter blade 22 so that rotation of the fan impeller 16 will place the rotating cutter blade 24 in a circular motion, wherein the rotating cutter blade 24 and the fixed cutter blade 22 cooperate in a slicing motion. The blades 22, 24 cooperate to cut bulky foreign materials such as paper and string which tend to become caught on the fixed blade 22 and would otherwise collect along the periphery of the fan and in the exhaust passages. *Col. 1, ln. 22-27.*

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Sparklin '000 also describes a shield to prevent the accumulation of hair, string and the like around a rotating shaft. "In the ordinary cleaner of the general type shown in the drawings it has been found that hair, string and the like work their way in behind the impeller 16 and become wrapped around the rotating shaft 25 or around the inner surface of the hub of the impeller 16 through which the shaft 25 extends. In order to prevent this action there is provided a shield 30 attached to the casing that forms a part of the exhaust passage with the shield extending over the peripheral rim of the impeller 16 to prevent foreign material entering behind the impeller." *Col. 3, ln. 1-10.*

Sparklin '000 does not disclose a cutter blade mounted to a vacuum cleaner housing adjacent a portion of a rotating agitator brush to prevent the build up of elongated particles on either the agitator brush or the agitator brush drive.

Claim 1 requires at least one cutting blade positioned adjacent a portion of the agitation brush drive to prevent buildup of elongate particles on the portion of the agitation brush drive. "Adjacent" is defined as "Lying near or close to; adjoining; contiguous, bordering." *The Oxford English Dictionary, 2d Ed. (Clarendon Press, 1991).* Thus, the position of the at least one cutting blade relative to the agitation brush drive must be "near or close to or adjoining."

Assuming for the sake of argument that the spindle 27 and belt 28 of Sparklin '000 comprise an agitation brush drive, neither blade 22, 24 is mounted to the housing 10 adjacent a portion of the agitator brush drive 27, 28 to prevent the build up of elongated particles on the agitator brush drive. The blades 22, 24 are mounted to the casing 13 adjacent the entrance opening 19 and the impeller 16, respectively, far removed from the spindle 27 and belt 28. Furthermore, the blades 22, 24 do not prevent the buildup of elongated particles on the agitator brush drive.

As illustrated in Figure 1 of Sparklin '000, hair, string, and the like can enter the interior of the vacuum cleaner 10 through the nozzle 20 and readily become wrapped around the spindle 27. This buildup of material will not be prevented by either blade 22, 24. Thus, Sparklin '000 does not disclose a vacuum cleaner having at least one cutting blade adjacent a portion of the agitation brush drive, and does not disclose a cutting blade that will prevent the buildup of elongated particles on a portion of the agitation brush drive.

Because each and every element of claim 1 is not found in Sparklin '000, claim 1 is not

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anticipated by Sparklin '000 and is thus in condition for immediate allowance. Applicants request that the rejection be withdrawn and that claim 1 be allowed.

Claim 2 depends from claim 1 and requires that the cutting blade be mounted adjacent to a motor output shaft. Because claim 2 depends from claim 1, for the reasons cited above, claim 2 is not anticipated by Sparklin '000. Furthermore, because impeller 16 rotates about the motor shaft 25, which is coaxial with the spindle 27, neither blade 22, 24 is mounted adjacent to a motor output shaft. This is clearly illustrated in Figure 1 of Sparklin '000.

Because each and every element of claim 2 is not found in Sparklin '000, claim 2 is not anticipated by Sparklin '000 and is thus in condition for immediate allowance. Applicants request that the rejection be withdrawn and that claim 2 be allowed.

Claim 3 depends from claim 2, and requires that the motor output shaft include a spindle and the cutting blade be mounted adjacent to the spindle. Referring again to Figure 1, neither blade 22, 24 is mounted adjacent to the spindle 27. Because claim 3 depends from claim 2, for the reasons cited above, claim 3 is not anticipated by Sparklin '000. Furthermore, Sparklin '000 does not disclose a blade mounted adjacent the spindle.

Because each and every element of claim 3 is not found in Sparklin '000, claim 3 is not anticipated by Sparklin '000 and is thus in condition for immediate allowance. Applicants request that the rejection be withdrawn and that claim 3 be allowed.

Claim 4 requires that the agitation brush drive comprise a belt between the spindle and the agitation brush. Claim 5 requires that the agitation brush drive comprise a belt between the motor drive shaft and the agitation brush. Claim 4 depends from claim 3, and claim 5 depends from claim 2. Because of this dependency, for the reasons cited above neither claim 4 nor claim 5 is anticipated by Sparklin '000.

Because each and every element of claims 4 and 5 is not found in Sparklin '000, claims 4 and 5 are not anticipated by Sparklin '000 and are thus in condition for immediate allowance. Applicants request that the rejection be withdrawn and that claims 4 and 5 be allowed.

Claim 8 depends from claim 1, and requires an upright vacuum cleaner. Because claim 8 depends from claim 1, for the reasons cited above, claim 8 is not anticipated by Sparklin '000. Furthermore, the title does not disclose an upright vacuum cleaner. In fact, nowhere in Sparklin '000 is an upright vacuum cleaner disclosed.

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Because each and every element of claim 8 is not found in Sparklin '000, claim 8 is not anticipated by Sparklin '000 and is thus in condition for immediate allowance. Applicants request that the rejection be withdrawn and that claim 8 be allowed.

Claim 12 requires at least one cutting blade mounted to the housing adjacent a portion of the agitator brush to prevent buildup of elongated particles on the portion of the agitation brush. The housing of claim 12 expressly defines an agitation cavity and a suction nozzle. Only the fixed cutter blade 22 is mounted to a housing of any sort, i.e. the casing 13; but the casing 13 does not define an agitation cavity or the suction nozzle 20. Furthermore, neither blade 22, 24 is adjacent any part of the agitator brush 29, and as discussed previously, prevents the buildup of elongated particles on any part of the agitation brush.

Because each and every element of claim 12 is not found in Sparklin '000, claim 12 is not anticipated by Sparklin '000 and is thus in condition for immediate allowance. Applicants request that the rejection be withdrawn and that claim 12 be allowed.

Claim 13 depends from claim 12, and requires the portion of the agitator brush adjacent to which the at least one cutting blade is mounted be adjacent an end of the agitator brush. As discussed above, the structure of the at least one cutting blade of claim 12 is not found in Sparklin '000. Furthermore, neither cutting blade 22, 24 of Sparklin '000 is adjacent an end of the agitator brush 29.

Because each and every element of claim 13 is not found in Sparklin '000, claim 13 is not anticipated by Sparklin '000 and is thus in condition for immediate allowance. Applicants request that the rejection be withdrawn and that claim 13 be allowed.

Rejections under 35 U.S.C. §103(a)

Claims 6, 9-11, and 15-18 stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Sparklin '000. The rejection is respectfully traversed.

It appears that the Examiner is combining Sparklin '000 with an assertion of what the person of ordinary skill in the art would know, and Applicants therefore traverse the rejection based on this assumption, reserving the right to further traverse the rejection should this assumption be incorrect.

Sparklin '000 discloses a vacuum cleaner 10 comprising a wheeled base portion 14 which

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can be propelled by an attached handle 12.

Claim 6 depends from claim 1, and requires an additional cutting blade mounted to the housing adjacent the agitator brush. As discussed previously, Sparklin '000 does not disclose a cutting blade mounted to a housing adjacent an agitator brush. There is nothing in either the Examiner's asserted knowledge possessed by a person of ordinary skill in the art or Sparklin '000 that would teach, suggest, or motivate a person of ordinary skill in the vacuum cleaner art to locate the cutter blade adjacent the agitator brush, and the Examiner has identified no such teaching, suggestion, or motivation. Indeed, Sparklin '000 discloses cutting blades that are employed for an entirely different severing process than the blade of Applicants' invention.

As Sparklin '000 makes clear, the cutter mechanism "relates particularly to a cutter device for severing solid foreign material deposited in an exhaust portion of the cleaner." *Col.1, ln. 16-18*. Furthermore, "In many cleaners of this type it has been found that paper, string and other foreign materials tend to gather on any member that is located adjacent the periphery of the fan and in the exhaust passage and against which the foreign matter is blown by the fan." *Col. 1, ln. 22-27*. The problem which the cutter mechanism of Sparklin '000 seeks to solve is entirely different than the accumulation of hair, string, and the like on an agitator brush, which is the problem solved by Applicants' invention. Without the identification of any teaching, suggestion, or motivation to modify the blade location and configuration of Sparklin '000 to arrive at Applicants' intervention, the only conclusion to be drawn is that the Examiner is simply using Applicants' disclosure as a blueprint for piecing together asserted knowledge held by one of ordinary skill in the art with Sparklin '000 in order to assert the obviousness of claim 6, which constitutes impermissible hindsight reconstruction.

Claim 6 is not rendered obvious by the Examiner's asserted combination and is thus in condition for immediate allowance. Applicants request that the rejection be withdrawn and that claim 6 be allowed.

Amended claims 9-11 and 15-18 dependent from claims 1 and 12, respectively, and require that the vacuum cleaner of claims 1 and 12 comprise specified structures incorporating a handle assembly, a canister, the suction nozzle, the suction source, the agitation brush, the agitation brush drive, the at least one cutting blade, and a liquid delivery and extraction system. As discussed previously, Sparklin '000 does not disclose the cutter configuration of claims 1

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and 12. Thus, claims 9-11 and 15-18 have a cutter configuration which is not disclosed by Sparklin '000. There is nothing in either the Examiner's asserted knowledge possessed by a person of ordinary skill in the art or Sparklin '000 that would teach, suggest, or motivate a person of ordinary skill in the vacuum cleaner art to utilize the cutter configuration of claims 1 and 12 in the vacuum cleaners of claims 9-11 and 15-18, and the Examiner has identified no such teaching, suggestion, or motivation.

Claims 6, 9-11, and 15-18 are not rendered obvious by the Examiner's asserted combination and are thus in condition for immediate allowance. Applicants request that the rejection be withdrawn and that claim 6, 9-11, and 15-18 be allowed.

CONCLUSION

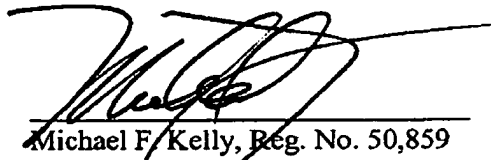
For the reasons discussed above, claims 1-18 are in condition for immediate allowance. It is respectfully submitted that all of the claims in the application are allowable over the prior art of record. Early notification of allowability is respectfully requested.

If there are any remaining issues which the Examiner believes may be resolved in an interview, the Examiner is respectfully invited to contact the undersigned.

Respectfully submitted,

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